

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SOUTH FORK LIVESTOCK
PARTNERSHIP,

Plaintiff,

v.

UNITED STATES OF AMERICA; *et al.*,

Defendant.

Case No. 3:15-cv-0066-LRH-VPC

ORDER

This is an administrative order by the court to close this action.

The underlying litigation involved a dispute over the use of grazing permits on federal land.¹ Plaintiff South Fork Livestock Partnership brought suit against the United States, the Bureau of Land Management, several federal employees, the Te-Moak Tribe of Western Shoshone Indians of Nevada (“Te-Moak Tribe”), and several individual tribal council members. In early 2016, all defendants moved to dismiss this action for various grounds (ECF Nos. 35, 41, 57) except for individual tribal defendants Wayne Bill (“Bill”) and Edith Smartt (“Smartt”).²

On April 27, 2016, the court granted moving defendants’ motions to dismiss and dismissed all moving defendants from this action. ECF No. 67. However, at the time, no action

¹ For an extensive review of the factual and procedural history of this action, see the court’s order on defendants’ motions to dismiss (ECF No. 67).

² Defendants Bill and Smartt had been appropriately served with plaintiff’s amended complaint (ECF No. 32). *See* ECF Nos. 54, 55.

1 was taken by the court as to defendants Bill and Smartt who had not separately moved to
2 dismiss. Since that order, no action has been taken by plaintiff against defendants Bill and Smartt
3 and this action has remained open on the court's docket. The court has reviewed the docket and
4 history of this action and finds that, as defendants Bill and Smartt are alleged to have engaged in
5 the same protected conduct as the other tribal defendants (*See* ECF No. 32), the court's order
6 dismissing those defendants on the basis of that protected conduct (ECF No. 67) should apply
7 with equal force to defendants Bill and Smartt. Therefore, the court shall dismiss these
8 defendants and close this action in its entirety.

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10 IT IS THEREFORE ORDERED that defendants Wayne Bill and Edith Smartt are
11 DISMISSED from this action with prejudice.

12 IT IS FURTHER ORDERED that the clerk of court shall CLOSE this case, 3:15-cv-
13 0066-LRH-VPC.

14 IT IS SO ORDERED.

15 DATED this 6th day of February, 2017.

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17 LARRY R. HICKS
18 UNITED STATES DISTRICT JUDGE
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